

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

SHARNE C. FRANCIS,

Plaintiff,

v.

Case No. CL20-10508-00

BALJINDER SINGH,

**SERVE: 11039 Columbine Street
Northglenn, Colorado 80233-4669**

and

CST TRANSPORT LLC,

**SERVE: Gurdeep Singh, Resident Agent
7733 Dunleer Drive
Brownsburg, Indiana 46112**

Defendants.

COMPLAINT

Plaintiff, Sharne C. Francis, by counsel, for her Complaint seeking judgment against the Defendants, Baljinder Singh and CST Transport LLC, states as follows:

1. Plaintiff, Sharne C. Francis is an adult individual and, at all times relevant to this action, is and was a resident and domiciliary of the Commonwealth of Virginia.
2. Baljinder Singh (hereinafter "Defendant Singh") is an adult individual and, upon information and belief, at all times relevant to this action, is and was a resident and domiciliary of the Commonwealth of Virginia.
3. CST Transport LLC (hereinafter "CST") is/was Defendant Singh's employer at all times relevant to the subject action. CST is an Indiana limited liability company and with its principal place of business at 7733 Dunleer Drive, Brownsburg, Indiana 46112, doing significant business in the Commonwealth of Virginia.

12/23/2020
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Sharon Butler
Deputy Clerk, Henrico Circuit Court

4. Defendant Singh was an employee and agent of CST at all material times, more specifically, Defendant Singh was operating a vehicle owned by CST at the time of the crash, and CST is liable for the negligent, careless, and reckless conduct of its employee/agent, Defendant Singh.

5. The collision at issue occurred in the County of Henrico, Virginia on July 19, 2019, and venue is proper under Virginia Code § 8.01-262(4).

FACTS

6. On July 19, 2019, Defendant Singh was an employee and agent of CST.

7. As part of his employment with CST, CST required Defendant Singh to drive its vehicles to perform CST's business.

8. On July 19, 2019, Defendant Singh was licensed to drive vehicles in the Commonwealth of Virginia.

9. Defendant Singh was familiar with all rules governing the operation of motor vehicles in the United States, including the rules governing the operation of motor vehicles in the Commonwealth of Virginia.

10. On July 19, 2019, Defendant Singh was traveling eastbound on I-64 near Exit 187.

11. At that location, Defendant Singh had an unobstructed view of the road and vehicle(s) ahead of him on I-64.

12. At that time, Defendant Singh was not paying full attention to the road and vehicle(s) ahead of him on I-64.

13. At the same time and place, the Plaintiff, Sharne C. Francis was operating a vehicle stopped directly in front of Defendant Singh on I-64.

14. Defendant Singh failed to slow his vehicle for traffic ahead of him on I-64 and

violently crashed his vehicle into the rear of Ms. Francis' vehicle.

15. On July 19, 2019, Defendant Singh knew that, as a motor vehicle driver, he was required to pay attention to all traffic patterns on the roadway ahead of him and was required to obey all traffic signs and devices.

16. On July 19, 2019, Defendant Singh knew that, as a motor vehicle driver, he was required to maintain full control of his vehicle.

17. On July 19, 2019, Defendant Singh knew that, as a motor vehicle driver, he was required to drive at a safe speed under traffic, road, and weather conditions.

18. On July 19, 2019, Defendant Singh knew that driving a motor vehicle requires a driver's full attention at all times.

COUNT I - NEGLIGENCE

19. Plaintiff repeats and re-alleges paragraphs 6 through 18 as if fully pleaded herein.

20. Defendant Singh's actions, as described above, were unsafe and negligent.

21. Defendant Singh knowingly had duties to drive at a safe speed; to pay complete attention to all traffic patterns on the roadway ahead of him; to keep his vehicle under proper control while driving; to operate his vehicle in a safe manner; and, to obey all traffic signals and signs on the roadway ahead of him.

22. Defendant Singh breached these duties of care on July 19, 2019.

23. Defendant Singh was negligent in that he:

- a. Failed to keep a proper lookout;
- b. Failed to give full time and attention to the operation of his vehicle;
- c. Failed to maintain his vehicle under proper control; and
- d. Followed too closely in violation of Virginia Code § 46.2-816.

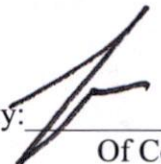

24. At all times relevant to this action, Defendant Singh was in the scope of his employment with CST.

25. As a direct and proximate result of Defendants' negligence, Ms. Francis has been caused to sustain serious and permanent injuries; has suffered inconvenience; has been prevented from transacting her business; has suffered a loss of wages and is expected to suffer a loss and/or lessening of earning capacity; has suffered and will continue to suffer great pain of body and mind; has sustained physical limitations, loss of enjoyment of life, mental anguish and emotional injury; and, has incurred and will continue to incur in the future hospital, doctor, and related bills in an effort to be cured of said injuries.

WHEREFORE, the Plaintiff, Sharne C. Francis, respectfully prays for judgment against the Defendants, Baljinder Singh and CST Transport LLC, jointly and severally, in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) and interest from the date of this crash, pursuant to Virginia Code § 8.01-382, and all other costs this Honorable Court deems fair and just.

TRIAL BY JURY IS DEMANDED.

SHARNE C. FRANCIS

By:  
Of Counsel

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CLERK'S OFFICE
HENRICO CIRCUIT COURT

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COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

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Case No.

(CLERK'S OFFICE USE ONLY)

HENRICO COUNTY DEC 23 2020

Circuit Court

SHARNE C. FRANCIS

PLAINTIFF(S)

v./In re:

CLERK'S OFFICE
HENRICO CIRCUIT COURT

BALJINDER SINGH

DEFENDANT(S)

CST TRANSPORT, LLC

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☒ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 350,000.00 are claimed.

12/18/2020

DATE

Frank H. Hupfl, Esq. VSB No. 82972

PRINT NAME

Geoff McDonald & Associates PC 804-888-8888

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

8720 Stony Point Parkway, Ste. 250; Richmond, VA 23235

fhupfl@mcdonaldinjurylaw.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☒ PLAINTIFF☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**Civil Action Type Codes
(Clerk's Office Use Only)**

Accounting	ACCT	Ejectment	EJET
Adoption	ADOP	Encumber/Sell Real Estate	RE
Adoption – Foreign	FORA	Enforce Vendor's Lien	VEND
Adult Protection	PROT	Escheatment	ESC
Aid and Guidance	AID	Establish Boundaries	ESTB
Amend Death Certificate	ADC	Expungement	XPUN
Annexation	ANEX	Forfeiture of Property or Money	FORF
Annulment	ANUL	Freedom of Information	FOI
Annulment – Counterclaim/Responsive Pleading ..	ACRP	Garnishment	GARN
Appeal/Judicial Review		Injunction	INJ
ABC Board	ABC	Intentional Tort	ITOR
Board of Zoning	ZONE	Interdiction	INTD
Compensation Board	ACOM	Interpleader	INTP
DMV License Suspension	JR	Interrogatory	INTR
Employment Commission	EMP	Judgment Lien – Bill to Enforce	LIEN
Employment Grievance Decision	GRV	Landlord/Tenant	LT
Local Government	GOVT	Law Enforcement/Public Official Petition	LEP
Marine Resources	MAR	Mechanics Lien	MECH
School Board	JR	Medical Malpractice	MED
Voter Registration	AVOT	Motor Vehicle Tort	MV
Other Administrative Appeal	AAPL	Name Change	NC
Appointment		Other General Tort Liability	GTOR
Conservator of Peace	COP	Partition	PART
Church Trustee	AOCT	Permit, Unconstitutional Grant/Denial by Locality	LUC
Custodian/Successor Custodian (UTMA)	UTMA	Petition – (Miscellaneous)	PET
Guardian/Conservator	APPT	Product Liability	PROD
Marriage Celebrant	ROMC	Quiet Title	QT
Standby Guardian/Conservator	STND	Referendum Elections	ELEC
Approval of Transfer of Structured Settlement	SS	Reinstatement (Other than divorce or driving	
Asbestos Litigation	AL	privileges)	REIN
Attachment	ATT	Removal of Case to Federal Court	REM
Bond Forfeiture Appeal	BFA	Restore Firearms Rights – Felony	RFRF
Child Abuse and Neglect – Unfounded Complaint ..	CAN	Restore Firearms Rights – Review	RFRR
Civil Contempt	CCON	Separate Maintenance	SEP
Claim Impleading Third Party Defendant –		Separate Maintenance – Counterclaim/Responsive	
Monetary Damages/No Monetary Damages	CTP	Pleading	SCRP
Complaint – (Miscellaneous)	COM	Sever Order	SEVR
Compromise Settlement	COMP	Sex Change	COS
Condemnation	COND	Taxes	
Confessed Judgment	CJ	Correct Erroneous State/Local	CTAX
Contract Action	CNTR	Delinquent	DTAX
Contract Specific Performance	PERF	Termination of Mineral Rights	MIN
Counterclaim – Monetary Damages/No Monetary		Trust – Impress/Declare/Create	TRST
Damages	CC	Trust – Reformation	REFT
Cross Claim	CROS	Uniform Foreign Country Money Judgments	RFCJ
Declaratory Judgment	DECL	Unlawful Detainer	UD
Declare Death	DDTH	Vehicle Confiscation	VEH
Detinue	DET	Voting Rights – Restoration	VOTE
Divorce		Will Construction	CNST
Complaint – Contested/Uncontested	DIV	Will Contested	WILL
Counterclaim/Responsive Pleading	DCRP	Writs	
Reinstatement – Custody/Visitation/Support/		Certiorari	WC
Equitable Distribution	CVS	Habeas Corpus	WHC
Driving Privileges		Mandamus	WM
Reinstatement pursuant to § 46.2-427	DRIV	Prohibition	WP
Restoration – Habitual Offender or		Quo Warranto	WQW
3 rd Offense	REST	Wrongful Death	WD